

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SPHERE 3D CORP.,

*Plaintiff and Counterclaim-Defendant,*

v.

GRYPHON DIGITAL MINING, INC.,

*Defendant and Counterclaim-Plaintiff*

Civil Action No. 1:23-cv-02954-  
PKC

**[PROPOSED] ORDER GRANTING GRYPHON DIGITAL MINING, INC.’S  
UNOPPOSED MOTION REQUESTING THE ISSUANCE OF LETTERS ROGATORY  
TO OBTAIN EVIDENCE IN CANADA**

The Court, having reviewed Defendant and Counterclaim-Plaintiff Gryphon Digital Mining, Inc.’s Unopposed Motion for Issuance of Letters Rogatory to Obtain Evidence in Canada and the accompanying papers, HEREBY ORDERS THAT:

1. The Motion is granted.
2. The Request for the Issuance of Letters Rogatory to Obtain Evidence in Canada from Peter Tassiopoulos and Mark Edward Valentine, attached as Exhibits A and B to the Declaration of Dennis H. Tracey, III, is hereby issued as the Court’s “Letters Rogatory” (together, “Letters Rogatory,” and each a “Letter Rogatory”) and is fully incorporated herein.
3. The signed Order and the Letters Rogatory will be given to Hogan Lovells US LLP, who will cause both documents to be filed with the Ontario Superior Court of Justice, 330 University Avenue, Toronto, Ontario M5G 1R7.
4. The Stipulation and Order of Confidentiality (ECF No. 19) in this action shall apply to the testimony of Peter Tassiopoulos and Mark Edward Valentine, including any transcript or video.

5. Neither this Order, testimony of Messrs. Tassiopoulos and Valentine, nor the terms of the Letters Rogatory (which are incorporated into this Order) shall be construed or operate as a waiver of any argument, position, objection, allegation, or claim or defense of any party in the above-captioned action, or of the attorney-client privilege, the work product doctrine, or any other privileges, rights, protections, or prohibitions that may apply to that evidence under the laws of Canada, the United States of America, or the State of New York.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

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The Honorable Valerie Figueredo  
United States Magistrate Judge